

ORDINANCE NO. 2007-45

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN EXISTING ADDITION OF A THIRD FACE ON THE EAST SIDE ON EACH OF TWO EXISTING PYLON SIGNS, ALL FACING THE SAME DIRECTION (WEST 16 AVENUE), AND ALLOW A TOTAL SIGN AREA FOR BOTH SIGNS OF 335 SQUARE FEET, WHERE A MAXIMUM SIGN AREA OF 300 SQUARE FEET IS ALLOWED, CONTRA TO HIALEAH CODE §§ 74-217(1)c. **PROPERTY LOCATED AT 5378 WEST 16 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hialeah, Florida at its regular meeting of April 10, 2007 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of March 28, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow an existing addition of a third face on the east side on each of two existing pylon signs, all facing the same direction (West 16 Avenue), and allow a total sign area for both signs of 335 square feet, where a maximum sign area of 300 square feet is allowed, contra to Hialeah Code §§ 98-217(1)c., which provides in pertinent part: "*Monument and pylon signs. . . . In no instance may the total sign area exceed 300 square feet for signs facing in the same direction or general bearing.*" Property located at 5378 West 16 Avenue,

Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District),
and legally described as follows:

TRACTS C AND D, WESTLAND SHOPPING PLAZA,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 107, PAGE 68, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to
the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any
ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by
a civil penalty not to exceed \$500.00 within the discretion of the court or administrative
tribunal having jurisdiction. Each act of violation and each day upon which any such
violation shall occur shall constitute a separate offense. In addition to the penalty
prescribed above, the city may pursue other remedies such as abatement of nuisance,
injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be
declared invalid or unconstitutional by the judgment or decree of a court of competent
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining
phrases, clauses, sentences, paragraphs or sections of this ordinance.

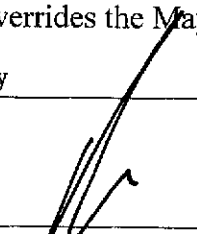
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and
signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8 day of May, 2007.

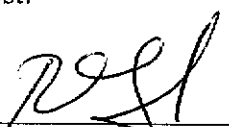
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 11 day of May, 2007.

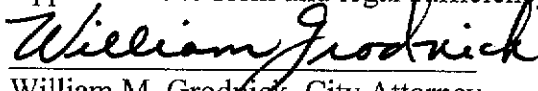


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".